Page 1 of 2

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2006-1153-DCL-E **TCEQ ID:** RN105025407

CASE NO.: 30721

RESPONDENT NAME: Lisa Cypert dba Munday Cleaners

ORDER TYPE:			
X 1660 AGREED ORDERFINDINGS AGREED ORDER		FINDINGS ORDER FOLLOWING SOAH HEARING	
FINDINGS DEFAULT ORDER	_SHUTDOWN ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER	
AMENDED ORDER	_EMERGENCY ORDER		
CASE TYPE:			
AIR	MULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE	
PUBLIC WATER SUPPLY	PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION	
WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL	
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	X DRY CLEANER REGISTRATION	
SITE WHERE VIOLATION(S) OCCURRED: Munday Cleaners, 150 North Munday Avenue, Munday, Knox County TYPE OF OPERATION: Dry cleaning drop station SMALL BUSINESS:X_YesNo OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location. INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter. COMMENTS RECEIVED: The Texas Register comment period expired on January 29, 2007. No comments were received. CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Thomas Greimel, Enforcement Division, Enforcement Team 6, MC 128, (512) 239-5690; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896 Respondent: Ms. Lisa Cypert, Owner, Munday Cleaners, P.O. Box 127, Munday, Texas 76371-0127 Respondent's Attorney: Not represented by counsel on this enforcement matter			

RESPONDENT NAME: Lisa Cypert dba Munday Cleaners **DOCKET NO.:** 2006-1153-DCL-E

Total Deferred: \$237 Enforcement Follow-up Records Review Date(s) of Complaints Relating to this Case: None Date of Investigation Relating to this Case: May 30, 2006 Date of NOE Relating to this Case: June 16, 2006 (NOE) Background Facts: This was a routine investigation. One violation was documented. WASTE Total Deferred: \$237 Expedited Settlement Financial Inability to Pay Total Paid (Due) to General Revenue: \$148 (the remaining \$800 to be paid in 8 payments of \$100 each) Site Compliance History Classification High Average Poor Person Compliance History Classification High Average Poor Major Source: Yes No Applicable Penalty Policy: September 2002	VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIREDA 0001 X
Date of Investigation Relating to this Case: May 30, 2006 Date of NOE Relating to this Case: May 30, 2006 Date of NOE Relating to this Case: June 16, 2006 (NOB) Background Facts: This was a routine investigation. One violation was documented. WASTE Failed to renew the Facility's registration by completing and submitting the required registration form to the TCEQ for the Facility [30 Tex. ADMIN. CODE § 337.11(e) and Tex. SEP Conditional Offset: \$0 Total Paid (Due) to General Revenue: \$148 (the remaining \$800 to be paid in 8 payments of \$100 each) Site Compliance History Classification HighAveragePoor Major Source:Yes _X_No Applicable Penalty Policy: September 2002	Complaint X Routine Enforcement Follow-up	Total Deferred: \$237 XExpedited Settlement	The Executive Director recognizes that Ms. Cypert submitted the required registration form
May 30, 2006 Date of NOE Relating to this Case: June 16, 2006 (NOE) Background Facts: This was a routine investigation. One violation was documented. WASTE Major Source:Yes _X_ No Failed to renew the Facility's registration by completing and submitting the required registration form to the TCEQ for the Facility [30 Tex. Admin. Code § 337.11(e) and Tex. (the remaining \$800 to be paid in 8 payments of \$100 each) Site Compliance History ClassificationHighAveragePoor Major Source:Yes _X_ No Applicable Penalty Policy: September 2002	3.7	4	1 (1984) 1 (1984) 1 (1984) 1 (1984) 1 (1984) 1 (1984) 1 (1984) 1 (1984) 1 (1984) 1 (1984) 1 (1984)
Date of NOE Relating to this Case: June 10, 2006 (NOE) Background Facts: This was a routine investigation. One violation was documented. WASTE Major Source:Yes _X_No Failed to renew the Facility's registration by completing and submitting the required registration form to the TCEQ for the Facility [30 Tex. ADMIN. Code § 337.11(e) and Tex.	May 30, 2006	(the remaining \$800 to be paid in 8 payments of	The British Control of the Control o
investigation. One violation was documented. WASTE Waste Failed to renew the Facility's registration by completing and submitting the required registration form to the TCEQ for the Facility [30 Tex. Admin. Code § 337.11(e) and Tex. Person Compliance History Classification HighAveragePoor Major Source:Yes _X_No Applicable Penalty Policy: September 2002	2006 (NOE)		
Failed to renew the Facility's registration by completing and submitting the required registration form to the TCEQ for the Facility [30 Tex. Admin. Code § 337.11(e) and Tex.	investigation. One violation was documented.		A TOTO AND A PROPERTY OF A TOTO AND A SECOND ASSECTION AND A SECOND ASSECTION ASSECT
[30 Tex. Admin. Code § 337.11(e) and Tex.	Failed to renew the Facility's registration by completing and submitting the required		
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	Page 1 of 4 07/02/07 H:\Agreed Orders\MundayCleaners-LisaCypert\	PCW.wb3	
	Penalty Calculation Worksheet (PCW)		
Policy Revision 2 (S	reptember 2002)	PCW Revision May 19,	2005
ICEQ DATES Assigned	07-Aug-2006		
	10-Aug-2006		
RESPONDENT/FACILI	TV INCORMATION		
	isa Cypert dba Munday Cleaners	1.000	
Reg. Ent. Ref. No.	RN105025407		
Facility/Site Region	3-Abilene Major/Minor Source	Minor Source	<
CASE INFORMATION			· ·
Enf./Case ID No.	No. of Violations		
	2006-1153-DCL-E Order Type	1660 Christina J. Martinez	
Media Program(s) Multi-Media		Enforcement Team 7	
Admin. Penalty \$ Lir		Zinoroomoni room /	
			
	Penalty Calculation Section		
TOTAL DAGE DEN	ALTY (Sum of violation base papalties)	Subtotal 1	\$1,185
IUIAL BASE PEN	ALTY (Sum of violation base penalties)	Subtotal 1	Ψ1,103
ADJUSTMENTS (+	/-) TO SUBTOTAL 1		
•	otained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.		
Compliance H	istory 0% Enhancement Subt	otals 2, 3, & 7	\$0
Notes	No adjustment due to compliance history.		
L			
Culpability [No < 0% Enhancement	Subtotal 4	\$0
Notes	The respondent does not meet the culpability criteria.		
Notes	The respondent does not meet the calpability official.		
Good Faith Ef	fort to Comply 0% Reduction	Subtotal 5	\$0
Good Faith Li	Before NOV NOV to EDPRP/Settlement Offer	Custolar o	
Extraordinary			
Ordinary			
N/A	X (mark with a small x)	1	
Notes	The respondent does not meet the good faith criteria.		
L	A CONTRACTOR OF THE CONTRACTOR	<u></u>	
Economic Be		Subtotal 6	\$0
	Total EB Amounts \$15 *Capped at the Total EB \$ Amount opt of Compliance \$250		
Approx. Co	ost of Compliance \$250		
SUM OF SUBTOTA	ALS 1-7	Final Subtotal	\$1,185
	AS JUSTICE MAY REQUIRE	Adjustment	\$0
Reduces or enhances the Fir	al Subtotal by the indicated percentage. (Enter number only; e.g30 for -30%.)	1	
Notes			
Į.	Final Pe	enalty Amount	\$1,185
	- AD (((AT))-17)	and Danette	¢4 40°
STATUTORY LIMI	T ADJUSTMENT Final Asse	essed Penalty	\$1,185
DEFERRAL	20% Reduction	Adjustment	-\$237
3	Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)		
Notes	Deferral offered for expedited settlement.		

PAYABLE PENALTY

\$948

Screening Date 10-Aug-2006 Docket No. 2006-1153-DCL-E

Respondent Lisa Cypert dba Munday Cleaners

Policy Revision 2 (September 2002) PCW Revision May 19, 2005

Case ID No. 30721

Reg. Ent. Reference No. RN105025407

Media [Statute] Drycleaner

Enf. Coordinator Christina J. Martinez

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component		er Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orde without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0 0	0%
Judgments and	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)] 	o%
Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a deni- of liability, of this state or the federal government	al 0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
A	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were	0	0%
Audits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0.	0%
	~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~	Enter Yes or No	
Oth - n	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
Other:	Participation in a voluntary pollution reduction program	No	0%
• 1 • 1	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

	•		Adjustment Percentage (Subtotal 2)	0%
>>	Repeat Violator (Sub	total 3)		
	No	<u> </u>	Adjustment Percentage (Subtotal 3)	0%
>>	Compliance History I	Person Classification (Subtotal 7)	人名英阿尔特马克里尔 网络拉克基 人名英格兰克斯	aprile.
	N/A		Adjustment Percentage (Subtotal 7)	0%
>>	Compliance History S	Summary	the Marian	
	Compliance History Notes	No adjustment due	to compliance history.	
	en e	Total Adjustme	nt Percentage (Subtotals 2, 3, & 7)	0%

Page 3 of 4 07/02/07 H:\Agreed Orders\MundayCleaners-LisaCypert\PCW.wb3 Screening Date 10-Aug-2006 Docket No. 2006-1153-DCL-E Respondent Lisa Cypert dba Munday Cleaners Policy Revision 2 (September 2002) Case ID No. 30721 PCW Revision May 19, 2005 Reg. Ent. Reference No. RN105025407 Media [Statute] Drycleaner Enf. Coordinator Christina J. Martinez Violation Number 30 Tex. Admin. Code § 337.11(e) Primary Rule Cite(s) Tex. Health & Safety Code § 374.102 Secondary Rule Cite(s) The respondent failed to renew the facility's registration by completing and submitting the required registration form to the TCEQ for a dry cleaning **Violation Description** and/or drop station facility. \$50 **Base Penalty Environmental, Property and Human Health Matrix** >> Release Moderate OR Actual Percent Potential **Programmatic Matrix** >> Falsification Major Moderate 10% Percent Matrix Notes 100% of the rule requirement was not met. Adjustment -\$45 \$5 Base Penalty Subtotal **Violation Events** Number of Violation Events 237 daily monthly Violation Base Penalty \$1,185 mark only one quarterly use a small x semiannual annual single event Two hundred thirty-seven daily events are recommended from the September 1, 2005 deadline to the April 26, 2006 deadline established by the TCEQ letter dated March 24, 2006. Economic Benefit (EB) for this violation **Statutory Limit Test** \$1,185 Violation Final Penalty Total Estimated EB Amount

This violation Final Assessed Penalty (adjusted for limits)

\$1,185

TOTAL

\$15

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

# Compliance History

Customer/i	Respondent/Owner-Operator:	CN602457350 CY	PERT, LISA	· ,	Classification:	Rating:
Regulated	Entity:	RN105025407 MI	JNDAY CLEANERS		Classification:	Site Rating:
ID Number	(s):					
Location:		150 N MUNDAY AVE, N	IUNDAY, TX, 76371			
TCEQ Reg	ion:	REGION 03 - ABILENE				
Date Comp	pliance History Prepared:	June 21, 2007			,	
Agency De	cision Requiring Compliance History:	Enforcement				
Complianc	e Period:	August 08, 2001 to Aug	ust 08, 2006			
TCEQ Stat	ff Member to Contact for Additional Inform	nation Regarding this Comp	oliance History			
Name:	Thomas Greimel	Phone:	(512) 239-5690			
	•	04.0				
	the second secon		pliance History Compo			
	site been in existence and/or operation for re been a (known) change in ownership o	•		Yes No		
	who is the current owner?	The site during the company	arios porios:	N/A		
4. if Yes,	who was/were the prior owner(s)?			N/A		•
5. When o	did the change(s) in ownership occur?			N/A		<u>-</u>
	ents (Multimedia) for the Site :					_
A.	Final Enforcement Orders, court judgem	ents, and consent decrees	of the state of Texas and	the federal gov	vernment.	
	N/A					
В	Any criminal convictions of the state of T	exas and the federal gove	rnment.			
	N/A		e e			
C.	Chronic excessive emissions events.					
	N/A	CEDS Inv. Treek No.)				
D.	The approval dates of investigations. (C 1 08/04/2006 (465661)	CEDS IIIV. Hack. No.)				
_						
E.	Written notices of violations (NOV). (CC	EDS Inv. Track. No.)				
F.	Environmental audits.					
G.	N/A  Type of environmental management sys	stems (EMSs).				
<b>.</b>	N/A	, <u>(</u> <u> </u>				
Н.	Voluntary on-site compliance assessme	nt dates				
	N/A	in datos.				
I.	Participation in a voluntary pollution red	uction program				
•	N/A					
J.	Early compliance.					
<b>.</b>	N/A					•
Sites Out	side of Texas					
22	N/A					

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# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE	
ENFORCEMENT ACTION	<b>§</b>		
CONCERNING	§		
LISA CYPERT DBA MUNDAY	§	TEXAS CON	IMISSION ON
CLEANERS	§		
RN105025407	§	ENVIRONM	ENTAL QUALITY

#### AGREED ORDER DOCKET NO. 2006-1153-DCL-E

#### I. JURISDICTION AND STIPULATIONS

At its	agenda, the Texas Commission on Environmental Quality ("the
Commission" or "TCEQ")	considered this agreement of the parties, resolving an enforcement action regarding
Lisa Cypert dba Munday C	leaners ("Ms. Cypert") under the authority of Tex. HEALTH & SAFETY CODE ch.
	Ech. 7. The Executive Director of the TCEQ, through the Enforcement Division,
and Ms. Cypert appear bef	ore the Commission and together stipulate that:

- 1. Ms. Cypert owns a dry cleaning drop station at 150 North Munday Avenue in Munday, Knox County, Texas (the "Facility").
- 2. The TCEQ has general authority to regulate the Facility pursuant to TEX. HEALTH & SAFETY CODE § 374.051.
- 3. The Commission and Ms. Cypert agree that the Commission has jurisdiction to enter this Agreed Order, and that Ms. Cypert is subject to the Commission's jurisdiction.
- 4. Ms. Cypert received notice of the violations alleged in Section II ("Allegations") on or about June 21, 2006.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Ms. Cypert of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 6. An administrative penalty in the amount of One Thousand One Hundred Eighty-Five Dollars (\$1,185) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Ms. Cypert has paid One Hundred Forty-Eight Dollars (\$148) of the administrative penalty and Two Hundred Thirty-Seven Dollars (\$237) is deferred contingent upon Ms. Cypert's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Ms. Cypert fails to timely and

and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require Ms. Cypert to pay all or part of the deferred penalty.

The remaining amount of Eight Hundred Dollars (\$800) of the administrative penalty shall be payable in eight monthly payments of One Hundred Dollars (\$100) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If Ms. Cypert fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of Ms. Cypert to meet the payment schedule of this Agreed Order constitutes the failure by Ms. Cypert to timely and satisfactorily comply with all the terms of this Agreed Order.

- 7. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director of the TCEQ and Ms. Cypert have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 9. The Executive Director recognizes that Ms. Cypert submitted the required registration form to TCEQ on October 30, 2006.
- 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Ms. Cypert has not complied with one or more of the terms or conditions in this Agreed Order.
- 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

#### II. ALLEGATIONS

As owner and operator of the Facility, Ms. Cypert is alleged to have failed to renew the Facility's registration by completing and submitting the required registration form to the TCEQ for the Facility, in violation of 30 Tex. ADMIN. Code § 337.11(e) and Tex. Health & Safety Code § 374.102, as documented during an investigation conducted on May 30, 2006.

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#### III. DENIALS

Ms. Cypert generally denies each allegation in Section II ("Allegations").

#### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Ms. Cypert pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Ms. Cypert's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Lisa Cypert dba Munday Cleaners, Docket No. 2006-1153-DCL-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. The provisions of this Agreed Order shall apply to and be binding upon Ms. Cypert. Ms. Cypert is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 3. If Ms. Cypert fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Ms. Cypert's failure to comply is not a violation of this Agreed Order. Ms. Cypert shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Ms. Cypert shall notify the Executive Director within seven days after Ms. Cypert becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Ms. Cypert shall be made in writing to the Executive Director. Extensions are not effective until Ms. Cypert receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 5. This Agreed Order, issued by the Commission, shall not be admissible against Ms. Cypert in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

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 Lisa Cypert dba Munday Cleaners DOCKET NO. 2006-1153-DCL-E Page 4

- 6. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
- 7. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Ms. Cypert, or three days after the date on which the Commission mails notice of the Order to Ms. Cypert, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

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Fax:5122394562

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Lisa Cypert dba Munday Cleanurs DOCKET NO. 2006-1153-DCL-E Page 5

#### SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	
Ja Srolie	7/6/07
For the Executive Director	Datc

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- Keferral of this case to the Attorney General's Office for contempt, injunctive relief, additional
  penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against
  me; and
- TCEQ secking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Signature

Date

9 ----

Name (Printed by typed)

Authorized Representative of

Lisa Cypert dba Munday Cleaners

Duner Tile

Instructions: Send the original, signed Agreed Order with panalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

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